



ENFORCEMENT BRANCH

Seventeenth meeting

20–21 December 2011

Bonn, Germany

Report on the meeting

1. Opening of the meeting

1. Mr. René Leféber, vice-chairperson of the enforcement branch, declared the meeting open at 10.00 am. He welcomed the members and alternate members of the branch who were present at the meeting and informed them that Ms. Sandea de Wet, chairperson of the branch, was unable to attend the meeting.

2. At the request of the chairperson, the secretariat provided information on participation and quorum, as well as key administrative, logistical and housekeeping arrangements. The secretariat confirmed that the meeting was being webcast live on the Internet, and that an audio recording was being made of the entire meeting. The secretariat also informed the branch that, in accordance with rule 13, paragraph 2, of the “Rules of procedure of the Compliance Committee of the Kyoto Protocol”¹, Ukraine would provide interpretation from Russian to English and vice versa during the parts of the meeting to be held in public relating to the consideration of the question of implementation with respect to Ukraine.

3. The secretariat further informed the meeting that, due to last minute cancellations on the part of one member and two alternate members, the branch did not have a quorum to take decisions at the meeting. On a proposal by the chairperson, and on the understanding that any decision would only be adopted upon receipt of the required additional votes by electronic means, the members and alternate members present agreed to proceed with the meeting.

2. Adoption of the agenda

4. The branch reviewed and agreed to follow the provisional agenda as amended (CC/EB/17/2011/1/Rev.1). Upon completion of a vote by electronic means, the branch adopted the agenda, as revised.

¹ This and subsequent references to rules, as well as to rules of procedure, refer to those contained in the annex to decision 4/CMP.2, as amended by decision 4/CMP.4.



3. Organization of work

5. The branch decided to organize its consideration of the items under its agenda in the following manner:

- (a) First, to consider the further written submission by Lithuania (CC-2011-3-7/Lithuania/EB);
- (b) Second, to elaborate and adopt a final decision relating to the question of implementation with respect to Lithuania;
- (c) Third, to review and assess the plan submitted by Ukraine pursuant to the final decision of the enforcement branch (CC-2011-2-10/Ukraine/EB);
- (d) Fourth, to agree on the issues for consideration at the stocktaking exercise to be held in 2012, including their prioritization; and
- (e) Finally, to discuss any other matters.

4. Consideration of the question of implementation with respect to Lithuania

6. At the request of the chairperson, the secretariat provided a summary of the proceedings since the adoption by the branch of a preliminary finding in relation to Lithuania (CC-2011-3-6/Lithuania/EB).

7. Also at the request of the chairperson, the delegation of Lithuania informed the meeting that, in accordance with section VIII, paragraph 2, of the “Procedures and mechanisms relating to compliance under the Kyoto Protocol”,² the following designated representatives of Lithuania were present at the meeting:

- (a) Mr. Vitalijus Auglys, Director of the Pollution Prevention Department, Ministry of Environment;
- (b) Ms. Stasilė Znutienė, Ms, Head of the Climate Change and Hydrometeorology Division of the Pollution Prevention Department, Ministry of Environment;
- (c) Mr. Albertas Kasperavičius, Deputy Director of the State Forestry Service.

a) Consideration of the further written submission from Lithuania

8. The branch considered the further written submission from Lithuania and, in this context, gave Lithuania an opportunity to address the branch.

² This and subsequent references to sections, as well as references to the procedures and mechanisms, refer to the annex to decision 27/CMP.1.



b) Elaboration and adoption of a final decision

9. After the elaboration of a final decision undertaken in private session in accordance with rule 9, paragraph 2, and upon receipt of three additional votes by electronic means, the branch adopted a final decision (CC-2011-3-8/Lithuania/EB) at 13:53:50 Greenwich Mean Time on 21 December 2011.

5. Review and assessment of the plan submitted by Ukraine pursuant to the final decision of the enforcement branch

10. At the request of the chairperson, the secretariat provided a summary of the proceedings since the adoption by the branch of a final decision with respect to Ukraine (CC-2011-2-9/Ukraine/EB).

11. Also at the request of the chairperson, the delegation of Ukraine informed the meeting that, in accordance with section VIII, paragraph 2, and rule 25, paragraph 3, of the rules of procedure, the following designated representatives of Ukraine were present at the meeting:

- (a) Mr. Vadym Pozharskyi, Deputy Director of the State Ecological Policy and International Activity Department – Head of the International Cooperation, Protocol and External Aid Projects Coordination of the Ministry of Ecology and Natural Recourses;
- (b) Ms. Maryna Berenznytska, Deputy Director for Research of the Environmental (Green) Investments Fund; and
- (c) Mr. Mykola Goncharenko, Interpreter.

12. After the elaboration of a decision undertaken in private session in accordance with rule 9, paragraph 2, and upon receipt of two additional votes by electronic means, the branch adopted a decision on the review and assessment of the plan submitted under paragraph 2 of section XV (CC-2011-2-11/Ukraine/EB).

13. During its deliberations, the branch commended Ukraine for the document entitled, “Plan submitted in accordance with paragraph 24 (b) of the preliminary finding (CC-2011-2-6/Ukraine/EB), confirmed by the final decision of the Enforcement Branch concerning Ukraine (CC-2011-2-9/Ukraine/EB) and in accordance with section XV, paragraph 2 of the Procedures and mechanisms relating to compliance under the Kyoto Protocol and rule 25 bis of the Rules of procedure of the Compliance Committee of the Kyoto Protocol” (CC-2011-2-10/Ukraine/EB, hereinafter referred to as the plan), submitted to the branch on 8 December 2011, and progress already made. During the discussion with Ukraine, the branch raised several questions and provided inputs to Ukraine on the plan. In particular, the branch raised the following issues:



- (a) the significance of the remaining 72 entries reported as NE (not estimated) in the 2011 annual submission for the resolution of the question of implementation;
- (b) the availability of financial resources to undertake the research projects referred to in the plan;
- (c) the need for further detail on starting dates, stages of implementation and delivery dates of the research projects referred to in the plan;
- (d) the significance of the fact that the results of some of the research projects will only become fully available in 2012 or 2013 and whether such results relate to requirements of a mandatory nature;
- (e) the action taken by Ukraine to ensure that internal processes provide for supervision and are proactive as regards monitoring, reporting and verification, in particular in relation to the execution of the research projects;
- (f) the sustainability and stability of the institutional, legal and procedural arrangements to resolve the question of implementation.

14. During the meeting, Ukraine stated that it will take into account the input from the branch and submit its first progress report by 1 May 2012 and a second one by 1 November 2012.

6. Stocktaking exercise

15. The branch agreed on a list of possible issues for consideration at the stocktaking (see Annex), on the basis of a list prepared by the chair and vice-chair, with the assistance of the secretariat, as requested by the branch at its sixteenth meeting. The branch also agreed that, at the stock taking, priority should be given to issues relating to the structure of decisions. In preparation for the stock taking, the secretariat was requested to prepare an annotated list of the issues agreed by the branch.

7. Other matters

16. The branch was informed by the chair of the modalities, as discussed by the bureau, for the election of the new chairs and vice-chairs of the branches in early 2012 as well as of the possible dates of meetings of the branches and plenary of the Committee in the first part of 2012.

8. Closure of the meeting

17. Special thanks were expressed by the vice-chair, also on behalf of the chair, and the Secretary to the members and alternate members of the branch whose terms are ending on 31 December 2011.



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18. The meeting was declared closed at 16:35 on 21 December 2011.

9. Attendance

19. The names of members and alternate members present at the meeting are bolded below.

Members (in alphabetical order)	Alternate Members
1. DE WET, Sandea Ms.	AMOUGOU, Joseph Armathé Mr.
2. ESTRADA OYUELA, Raúl Mr.	GONZALEZ NORRIS, José Antonio Mr.
3. FODEKE, Victor Mr.	GOPOLANG, Balisi Justice Mr.
4. LEFEBER, René J M Mr.	LOIBL, Gerhard Mr.
5. MICHEL, Stephan Mr.	VIK, Vidar Mr.
6. OBERTHÜR, Sebastian Mr.	KUOKKANEN, Tuomas Mr.
7. RAJABOV, Ilhomjon Mr.	NISHAT, Ainun Mr.
8. SHAMANOV, Oleg Mr.	RUDZKO, Iryna Ms.
9. SHAREEF, Mohamed Mr.	MACE, Mary Jane Ms.
10. SU, Wei Mr.	ALAM, Mohammad Mr.



Annex

List of possible issues to be addressed during the stocktaking exercise

I. Introduction

At its sixteenth meeting, the enforcement branch requested the chairperson and the vice-chairperson, with the assistance of the secretariat, to develop a list of possible issues to be addressed during the stocktaking exercise that would take place in 2012 provided that the workload and scheduling of meetings would allow for such an exercise.

The list of issues found below is based on the input received before and during the sixteenth meeting of the enforcement branch. The branch is invited to assess whether the list contains all the issues that were raised for consideration at a stocktaking exercise and to indicate issues that should be given priority at such exercise.

II. List of issues

1. Decision-making

(a) Structure of decisions

- Headings/sections of decisions and what should be addressed under each heading/section
- Structure of the final decision, in particular the revision of preliminary findings

(b) Content of decisions

- Reasoning of decisions, in particular the clarity of the reasoning for outsiders
- Specific issues:
 - Formulation of a question of implementation at the time of the preliminary examination
 - Finding on non-compliance at the time of finalization of an expert review team report
 - Effect of suspension from eligibility to participate in the mechanisms under Article 6 of the Kyoto Protocol

(c) Decision-making process

- Recourse to expert advice
- Types of documents to be provided by the secretariat to the branch during the consideration of a question of implementation

(d) Manner of drafting decisions



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- Establishment of drafting committee
- Templates for decisions

(e) Mode of adopting decisions

- Use of electronic means of decision-making
- Absence of a quorum

2. Meetings

- Length and frequency of meetings
- Flexibility in scheduling in case of conflict with certain official, religious and UN holidays or other UNFCCC meetings